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WAR IN INTERNATIONAL SOCIETY

Lacy Pejcinovic

War in International Society

Is war an institution of international society and how is it constituted as such across the evolution of international society? This book is an inquiry into the purpose of war as a social institution, as originally put forward by Hedley Bull. It offers a comprehensive examination of what is entailed in thinking of war as a social institution and as a mechanism for order.

Since the terrorist attacks of 9/11 the subject of war has become increasingly relevant, with questions about who can wage war against whom, the way war is fought, and the reasons that lead us to war exposing fundamental inadequacies in our theorisation of war. War has long been considered in the discipline of International Relations in the context of the problem of order. However, the inclusion of war as an 'institution' is problematic for many. How can we understand an idea and practice so often associated with coercion, destruction, and disorder as contributing to order and coexistence? This study contends that an understanding of the core elements that establish the character of war as an institution of modern international society will give us important insights into the purpose, if any, of war in contemporary international relations.

This ground-breaking book will be of strong interest to students and scholars of International Relations, International Relations theory, the English school, security studies and warfare.

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For my beloved Hrvoje

Contents

	Acknowledgements	x
	Introduction	1
1	The Theory of International Society and Institutions	19
2	Infidels, Barbarians, and *Dominium*	39
3	Kings and Heretics in Late Medieval War	65
4	Great Powers and War in the Nineteenth Century	90
5	Historical Time, Commerce, and Tutelage	117
6	Wars of Decolonisation	143
7	The Era of Total War	163
	Conclusion: The New Millennium: An Institution in Crisis?	183
	Notes	202
	Bibliography	207
	Index	228

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Introduction

This is a book about war as an institution. That is, it seeks to interrogate the acceptance of war as a mechanism of achieving specific goals in the service of order in international society, in line with Hedley Bull's characterisation in his seminal work *The Anarchical Society* (2002). The question of 'what is war?' – philosophically, theoretically, and practically – has plagued International Relations[1] since its inception as a discipline in 1919 at the University College of Wales, Aberystwyth (Olsen 1972; 3). Many different responses to the question have been formulated within a range of competing theoretical approaches.[2] Indeed in responding to this central question, scholars have been led to ask questions about what constitutes legitimate war, what the rights and duties of states are to each other both in and out of war, and what causes particular wars, or the causes of war in general. Others have investigated military history, the composition and structure of military forces, the evolving norms of the use and non-use of certain weaponry, the broader legal context of war, and the different strategies and tactics contributing to a redefinition of our general understanding of 'war.' However, the idea of war as an 'institution' – a mechanism for maintaining the bedrock value of order, that is, for performing specific functions to help make coexistence between states effective – has been overlooked as a potential response to this question (Bull 2002; 68). Since Hedley Bull included war in his institutional framework, and especially in light of his own contention that it may be seen as 'perverse' to comprehend war in this manner, very little scholarship has emerged which attempts to understand the ordering function war has played in international society.

Notably, Barry Buzan has questioned, but not analysed, the saliency of the institutional position of war given the current popularity of theories of 'democratic peace' and globalisation. He asserts that if war was once an institution, it is no longer (Buzan 2001; 484). More recently, Charles Jones has contended that war can still be considered as an institution, albeit one distinctively influenced by the type of international society – hierarchical and imperial rather than anarchical – which prevails in world politics today (Jones 2006; 175). Jason Ralph (2010) has furthered Jones' claims about war in a hierarchical international society by investigating how current US practice indicates a move away from Bull's original conception of war as an institution

of an anarchical society. Finally, John Williams (2010) interrogates the role of Just War theory in Bull's political theory, arguing that his rejection of Just War traditions and in particular highlighting several issues with his reading and application of the work of Grotius, has implications for his framework of war as an institution. However, what Bull and recent scholars miss is a comprehensive examination of what is entailed in thinking of war as a social institution in the first instance. There has been no attempt to historically, or otherwise, interrogate the substance of the rules, norms and values that are the core constitutive structures of war as an institution, and hence provide a more comprehensive argument with respect to how war can be understood within this framework.

In order to address whether war is an institution of international society, this book more specifically analyses the way war can be appropriately characterised as an institution. Here, it is argued that rules, norms and values constitute a set of habits and practices as an institution and are intelligible with respect to war in the articulations of what international society believes and how it performs according to what members believe and know. This is revealed in justifications taken from a number of sources and in assessing what they disclose about war, its 'context of activity and [the] type of experience it imparts' (Bain 2003; 11). Justifications create a certain vocabulary which goes towards understanding the limits of what is acceptable and appropriate in relation to war.

Furthermore, it is argued that in the historical interrogation of war, justifications are generally clustered within three themes: identity, rights and necessity. The constitution of these broad themes reflect a range of legal norms and obligations resulting from religious traditions, intersubjective treaty obligations or international law found in agreements, doctrines or charters. Similarly, they encapsulate a moral purpose or normative complex which is a framework of moral values, religious or secular, in order to discuss legitimacy and important pragmatic, strategic, or rational calculations essential to the decision to use war. These contribute to the understanding of war as an institution because it is in the substance of justifications based on a conception of legitimate identity, claims to and assertions of rights and responsibilities and appeals to necessity, that we are able to discern the appropriate and acceptable rules, norms and values which govern recourse to and actions in war, and hence war's distinctive ordering function for international society. These themes are seen throughout the book to act as both the enabling and limiting dimensions of decisions to use war in international society, making war an effective institution of order in international society.

Finally, the articulation of justifications within a framework underpinned by judgments of legitimate and appropriate identities, obligations and entitlements in the form of rights claims, and elements of necessity, establishes continuity as well as change in the understanding of war as an institution. The traditional study of International Relations suffers from an inherent Eurocentric bias, and the approach adopted by this book does not directly

depart from this established narrative. However, the book recognises and indeed seeks to compensate for this bias, by analysing the institution of war within a narrative of the evolution of international society which emphasises a much broader setting.

At each historical juncture in the evolution of the modern international society, it will be established that through justifications framed by members of international society in the discourse of identity, rights and necessity, war is underpinned by a regulative and normative structure which allows it to operate as a mechanism of order, an institution, of international society. However, at each of these stages we see the development of a dual character of the institution. By justifying war against non-members differently, international society constructs the institution of war such that it is reflective of, and reinforces a separation between, those actors that are perceived to be a part of international society and those that are outside international society. Although the main actors within international society tend to be states, those considered to be 'non-members' of international society can vary from states to non-state actors such as religious or cultural groups. In the international system war can operate as a single institution where there is continuity in the framework of what constructs it as such. However, because of the different actors and the relationships between these actors, the institution of war can have two characters. That is, between members and non-members of international society, war is justified with one set of notions about what type of identity, what rights are absent or present, and what elements of necessity make war an acceptable mechanism of order. Yet between members of international society we see a different construction of identity, rights and necessity legitimating war. They are not independent of each other, and at any given point in the evolution of international society that this book interrogates, the complicated relationship between the nature of war at each juncture is important for understanding not only the institution of war, but the non-linear nature of the story of international society. All of this contributes to the ultimate argument of the book – war has been, and indeed continues to be, an institution of international society.

In dealing with justifications from these two perspectives in the evolution and expansion of international society, questions regarding the interplay of ideas concerning the treatment of people on the inside and outside will inevitably arise. Did the justifications for the use of war against non-members of international society become part of the justifications for those inside and vice-versa? This is a difficult question to answer. The following chapters demonstrate that there is no consistent relationship – at times the attitudes and ideas prevailing within international society are used to justify war against those outside, but the justifications for war between members of this same society do not make use of the same frameworks. In other instances, it is obvious that international society co-opts certain understandings about identity, rights, and necessity which have been honed with respect to non-members to justify war against those within international society. The case of the religious wars in the late Medieval period are indicative of this. Lutherans were

stigmatised as 'uncivilised' or 'barbarous' much like the Amerindians of the New World, and hence war was necessary to bring them in line with the prevailing 'international society' of the time. While the chapters of the book will indicate at different times this relationship of causation in the justificatory process, the issue of causation will not be a central theme.

War, institutions and international actors

It is important to emphasise that this is not a book about 'war' as traditionally understood. Rather, this study is about institutions of international society, and war as one such institution, albeit one considered counter-intuitive to the very definition of an institution. As Chapter 1 will highlight, an institution is understood according to the framework established by Hedley Bull. He outlines five institutions of international society: war, international law, diplomacy, the great powers, and the balance of power. He defines an institution as a mechanism of order for international society, or a 'set of habits and practices shaped towards the realization of common goals' (Bull 2002; 71). Kalevi Holsti (2004; 18) gives a more comprehensive definition:

> Institutions are the context within which the games of international politics are played. They represent patterned (typical) actions and interactions of states, the norms, rules and principles that guide (or fail to guide) them, and the major ideas and beliefs of a historical era ... international institutions contain the essential rules of coexistence between states and societies.

In order to establish the character of war as an institution, there is a body of literature on war which provides a useful point of departure. This is the literature which espouses justifications for war combined with an historical concern with the relationship of war to society. This scholarship is primarily Constructivist in its theoretical persuasion, interested in the particular norms and rules associated with war across history. Indicative of these studies is Finnemore's *The Purpose of Intervention* (2003), Richard Price (1995 and 1997) and Nina Tannenwald (1995 and 2005) on the chemical and nuclear taboo's respectively, Tal Alkopher (2005 and 2007) on the role of rights in the social construction of war, and the distinctive historical concerns demonstrated in the work of Andrew Latham on theorising war (2012), and Andrew Phillips (2010) on religion, war and international order. Similarly, 'Just War' theorists have used justifications as a measure of the *justice* of war for centuries.[3] Indeed those considering the just war in contemporary world politics have also explored how it is we argue about war in order to understand varying dynamics of war and the international system. Michael Walzer (1977; xiii) does this, with a view to articulating the 'present structure of the moral world.' While Walzer has provided a significant contribution to understanding what makes war an institution, his development of this understanding remains short of being complete.

Where this book differs is that the focus does not concern the inherent *justice* of particular wars, or war in general, but what international society appeals to in order to legitimate going to war. Walzer and many other just war theorists provide a commentary on the state of the moral world via the incidence of war, whereas the intent here is to interrogate war as a vital element in the structure of order in international society. A focus on justice is important because it implies that war has a purpose circumscribed by the things we value. This book outlines what these values are in international society but will not make judgments on the overall justice of war. If Bull had been able to further develop his interest in justice as the bedrock of the *quality* of order, it may well have been in the realm of war that this would have had the most significant impact. To indicate an interest in justice with respect to war shows that it has a function or purpose internal to the institution of war.

Several other bodies of literature will be important for establishing whether war is an institution of international society. Countless articles and books on terrorism and counter-terrorism, preventive and pre-emptive war, war and weapons of mass destruction, and collective versus unilateral defence, not only indicate the nature of contemporary strategy but speak to the complicated framework of membership (state and non-state actors) in international society today.[4] An excellent representation of this type of analysis can be found in a draft tactical document for US Marines explaining the intellectual framework of 'Fourth Generation Warfare.' The description of warfare in these terms is attributed originally to William Lind in 1989. We have assumed in the history of warfare that it is something carried out by states exclusively, and have described war between states and non-states in a language that creates an image of 'operations other than war' or 'stability and support operations.'[5] The document recognises that the likelihood of inter-state wars in the contemporary international system has declined and that the wars which traditional armies of the most powerful states will be fighting are against non-state actors. Warfare today needs to incorporate the political, social and moral dimensions that have so often in the past been separated from the field of battle. When enemy combatants are indistinguishable from the civilians who are to be protected in times of war – as is frequently the case in the War on Terror including counter-insurgency operations in Iraq – integration of political, social and moral tactics can only increase the possibility of credible intelligence leading to effective strategies and tactics to fight the wars. Effective physical waging of war is no longer sufficient because the nature of combatants is such that what is tactically efficient may not be strategically – morally, politically or socially – productive. That is, 'by using their overwhelming firepower at the tactical level, Marines may in some cases intimidate the local population into fearing them and leaving them alone. But fear and hate are closely related, and if the local population ends up hating us, that works toward our strategic defeat' (US Marine Corp 2005; 5). Rather, Fourth Generation war is about working with communities in order to 'fight' wars through the adoption of political, social and moral tactics with weaponry only as a back-up.

Closely linked with these approaches to understanding war are arguments that certain types of war between certain international actors have become obsolete (Muller, 1990). John Mueller questions not only how but why this phenomenon is occurring in his examination of the obsolescence of major war. He argues war could never be impossible, but that questions of its utility are central in the international system (Muller 1990; 326). Mueller's argument is connected with what has come to be known as the 'democratic peace,' a theory which states that 'the probability of two democratic states engaging one another in militarized conflict has been repeatedly proven to be extremely low. Increasing the number of democratic regimes in the international system ... should result in a more peaceful international system' (Kadera, Crescenzi and Shannon 2003; 243). It does not argue that there will be no war, but that aggressiveness between democracies – because of their democratic domestic structures which have inherent in them qualities of harmony, cooperation, and common values that are conducive to peace – is unnatural and irrational (Burchill 1996; 31). However, this tendency toward peace is only evident between democracies. There still exists aggressiveness and a tendency to war between democracies and non-democracies. Michael Doyle (1983; 324–25) observes that, 'the very constitutional restraint, shared commercial interests, and international respect for individual rights that promote peace among liberal societies can exacerbate conflicts between liberal and nonliberal societies.' While asking a different set of questions from those in this book, attitudes towards war and indicators of the different actors involved in them are able to be drawn from this literature.

Theoretically, other approaches to International Relations, especially those which deny or operate outside of a framework of international society, might provide a different answer to the question of whether war is an institution, or indeed to the claim that this is a question worth considering in the first instance. The question here is not whether war or questions about war are important issues to study in international relations. The discipline was built on the back of questions of war and peace, which have remained central to it. The debate is about *how to study* questions of war, and what levels of analysis should be used. Depending on one's approach, certain interpretations will be favoured over others, and certain relationships deemed more important. For example, neo-realists understand war to be at the forefront of international politics, an ever present possibility in the international system (Waltz 1979, Donnelly 2000). The idea of war as an *institution* though would not arise for structural realists for several reasons. First, they do not see states as constituting an international *society*. Order is a primary concern for structural realists; however, it is order understood as state power – it is an empirical, rather than theoretical concern. The cooperation, shared rules, norms and institutions which constitute a society are 'second image' concerns which such realists reject. Also, structural realists ignore or abstract from international institutions. The general understanding is that institutions have very little influence on state behaviour, and exert little influence in the 'interests or

interactions of states in anarchy' (Donnelly 2000; 132). Institutions are based on the self-interested calculations of states. This implies that power and self-interest can over-ride any rules or 'norms' an institution might proscribe for international politics.

However, international relations today clearly demonstrates that there is no Hobbesian war of all against all, and life is anything but nasty, brutish and short. States and other international actors have agreed on rules for war against one another, contained in the evolving laws of war, and norms of legitimate behaviour govern the recourse to and actions in war (Kennedy 2006). Similarly, these are constantly being revised as society changes. In contemporary international politics the key realist variable – survival – is very rarely at stake. The interconnectedness of states means that unlike in the past where war could and did represent the rise or fall of a state, and was primarily about the acquisition of power via material (military) capabilities and territory, today, according to Donnelly (2000) it is an 'extraordinary' case where a state 'dies' as a result of war. War is socially constructed and requires legitimation through other members of international society accepting it. Even where this is lacking, as for example in the case of the 2003 Iraq War which was denounced by many more states in society than it was supported by, it was still justified by the main protagonist, the United States, using the language of international norms and values (Jackson 2005). While states' interests still play a significant role in understanding war, they are tempered by legal and moral restraints that a Hobbesian war of all against all cannot explain.

Realist approaches could still potentially limit arguments about war as an institution. If war was to occur at a system level, without justification or with justifications based on survival and self-interest only, and involved the raw transfer of power from one state to another, it would be difficult to consider war as having an institutional capacity in Bull's use of the term. However, the very framework of this book will show that this is incorrect in at least one realm of interaction. The chapters of the book have a dual focus – on war between members of international society, and on war between members and non-members. It could be argued that war between members and non-members represents 'system level' war. The states and polities involved are not part of a society as such (while some might be, others are not, so it is more systemic rather than societal) but they still have a level of interaction between them. From a realist perspective we would expect to see short-term power maximisation from the more powerful states and the subordination or even 'death' of the weaker states. However, as Chapter 2, Chapter 5, and Chapter 6 demonstrate, this is not necessarily the case. There are undoubtedly relations of domination and subordination. However, when war is used it is justified by members of society in societal terms. That is, it is justified in terms of shared rules and norms which are understood as legitimate by the wider society. Even if not understood or accepted by those non-members on the receiving end, war at this systemic level of interaction is still articulated in societal